

November 25, 1997

Richard P. Matthews
408 Summerchase Way
Woodstock, GA 30189

DOCKET FILE COPY ORIGINAL

Office of the Secretary, Docket 97-182
Federal Communications Commission
Washington, DC 20554

Subject: Docket 97-182 Preemption of State and Local Zoning and Land Use Restrictions on
Citing, Placement and Construction of Broadcast Station Transmission Facilities

Dear Sirs,

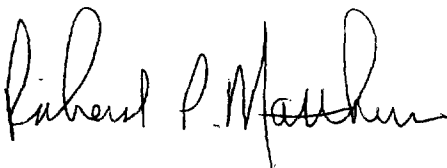
As a long time taxpayer and aviator, I find it VERY disturbing when I find out that the Federal Government is once again doing things without the people's consent. By allowing these towers to go up anywhere, you are jeopardizing the lives of hundreds of thousands of people who fly or get flown in this country. Never mind that the location of these towers can be made on charts, but there is already so much restriction of our airspace that this will only aggravate an already explosive situation. This country is going to implode I am afraid for all of the regulations and laws imposed on the citizens. It has got to stop.

I strongly recommend that you heed the advise sent to you in a letter dated September 30, 1997 from the EAA Aviation Center in Oshkosh, WI. A copy of said is attached for your review. Further, I urge you to seek out the council of the AOPA (Airplane Owners and Pilots Association) in Frederick, MD regarding their take on this abuse of power.

Thank you for your attention in this matter.

Sincerely,

Richard Matthews



cc: Congressman Gingrich
Senator Coverdale
Senator Cleland

No. of Copies rec'd
List ABOVE

0



EAA AVIATION CENTER
P.O. BOX 3086
OSHKOSH, WI 54903-3086
PHONE 920-426-4800
FAX 920-426-4873

September 30, 1997

Office of the Secretary, Docket 97-182
Federal Communications Commission
Washington, DC 20554

SUBJECT: Docket No. 97-182 Preemption of State and Local Zoning and Land Use
Restrictions on Citing, Placement and Construction of Broadcast Station
Transmission Facilities.

Dear Sir or Madam:

The Experimental Aircraft Association (EAA) is a sport aviation association with a worldwide membership of over 167,000. EAA brings together aviation enthusiasts, pilots and aircraft owners who are dedicated to the furtherance of aviation, the preservation of its history and the enjoyment of sport aviation. In addition, EAA has over 900 chapters, which form the grass-roots foundation for the aviation movement.

The following comments are filed in response to this proposal and, in particular, in objection to the proposed preemption of local zoning and land use ordinances. The proposed preemption will allow the construction of obstacles to air navigation as defined by the Federal Aviation Administration (FAA). The FAA's rules in regard to obstacles such as transmission towers are contained in the Code of Federal Regulations Chapter 14 Part 77. The FAA has no method to prevent the construction of towers that are considered obstructions by the regulations. Typically, as a prerequisite for FAA airport funding, many local authorities adopt zoning ordinances preventing the construction of towers defined as an obstacle by the FAA. This proposed rule will preempt all such ordinances.

The FAA can prevent the construction of a broadcast tower only if it can determine that the tower is a "hazard," but the FAA does not provide any protection against "obstacles." Further, the FAA does not protect many private airports from "hazards." To date, airport owners have had to rely on local authorities to ensure the safety of the airspace around their airports. It is possible, under this proposal, for a broadcast tower to be constructed next to a private airport and then, as a result, the airport lose its license to operate because

Page 2
FCC Docket 97-182

of the tower's construction. This could result in the closing of hundreds, if not thousands, of airports across the country.

Airports that remain open after obstacles have been constructed near them will certainly have an increased likelihood of an accident between an aircraft and a broadcast tower.

Local ordinances are of such importance to aviation safety that the FAA developed and published an Advisory Circular, AC 150/5190-4A - A Model Zoning Ordinance To Limit Height of Objects Around Airports. It is clear from the existence of this Advisory Circular that the intent of the Federal Government is that local authorities should have an opportunity to review the construction of broadcast towers. It is not in the interest of the public, safety, or economy to allow the construction of broadcast towers defined as obstacles to air navigation by the FAA without allowing the local authorities to review any such proposed facilities.

No undue burden is placed on a broadcaster by allowing the local authorities to review the construction of new transmission facilities defined as obstacles by the FAA. Most localities in the US currently have existing "tower farms" that can be utilized for digital television, and new towers could be constructed if the tower was not considered an obstacle or if the local authority authorized a variance.

The EAA does not believe there is a benefit to the public in implementing this rule. At the very least, this proposed rule should be revised to allow local authorities to regulate the construction of towers considered to be obstacles by the FAA.

The EAA appreciates the opportunity to comment on this proposal.

Sincerely,
EXPERIMENTAL AIRCRAFT ASSOCIATION

A handwritten signature in cursive script, reading "Earl Lawrence".

Earl Lawrence
Director, Government Programs